

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Employee Background Check Act.

6 Section 2. Findings. The General Assembly finds that it is
7 in the public interest to give Illinois employers access to the
8 broadest pool of qualified applicants possible, to create
9 pathways that facilitate observance of the civil rights of
10 those seeking employment, and to ensure that all qualified
11 applicants are properly considered for available employment
12 opportunities and are not pre-screened unnecessarily or
13 unjustly.

14 Section 5. Definitions. As used in this Act:

15 "Candidate" means any person considered by an employer when
16 identifying potential employees including, but not limited to,
17 persons who ask to be considered for employment or who request
18 information from an employer regarding potential employment or
19 are pursuing employment with an employer in response to some
20 indication that an employer may have employment opportunities
21 available.

22 "Employer" means any entity or person that employs one or

1 more persons.

2 "Employment" means any occupation or vocation.

3 Section 10. Employer pre-screening.

4 (a) An employer may not, on the face of an employment
5 application or through any other means, inquire about or into a
6 candidate's criminal history directly or indirectly until
7 after the employer determines the candidate to be qualified for
8 the employment opportunity and interviews the candidate.
9 Employers may orally ask a candidate about criminal convictions
10 during an interview.

11 (b) The limitations set forth in subsection (a) of this
12 Section do not apply to employers who are required to exclude
13 candidates from employment because of State or federal law or
14 Section 25 of the Health Care Worker Background Check Act.

15 Section 15. Rebuttable presumption. If an employer hires a
16 candidate pursuant to this Act that is determined to have a
17 criminal background, the employer shall have a rebuttable
18 presumption in any legal proceeding against the employer
19 regarding the employment of the candidate that the employer
20 performed its due diligence and acted in good faith in hiring
21 such candidate.

22 Section 20. Willful and knowing violations. A candidate may
23 bring a civil action in circuit court to recover actual damages

1 that result from an employer's willful and knowing violation of
2 this Act of not less than \$100 and not more than \$500.

3 Section 99. Effective date. This Act takes effect January
4 1, 2014.